



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF EMBARQ CORPORATION D/B/A CENTURYLINK, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 14-204
Comp. Pol. File No. 1170

Comments Due: December 11, 2014

Section 214 Application

Applicant: Embarq Corporation d/b/a CenturyLink, Inc.

On August 26, 2014, Embarq Corporation d/b/a CenturyLink, Inc. (CenturyLink or Applicant), located at 100 CenturyLink Drive, Monroe, LA 71203, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue certain domestic telecommunications services in Florida, Indiana, Kansas, Minnesota, Missouri, Nebraska, Nevada, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington and Wyoming (collectively, Service Areas).¹ With an amendment filed on September 17, 2014, CenturyLink updated the record regarding its satisfaction of the Commission's section 63.71 service requirements. Accordingly, CenturyLink's application is deemed complete as of September 17, 2014.²

CenturyLink indicates that it currently offers Frame Relay (FR or Embarq FR) and Asynchronous Transfer Mode (ATM or Embarq ATM) services in the Service Areas. CenturyLink describes Embarq FR service as a connection-oriented packet-switched data service that allows for the interconnection of Local Area Networks (LAN) or other compatible customer equipment. CenturyLink explains that Embarq ATM service is a connection-oriented multiplexing and switching service based on ATM cell-based switching technology. CenturyLink further explains that its Embarq ATM service uses fixed-length cells to support transmission of multiple types of traffic, such as data, voice and video, over a LAN or

¹ CenturyLink notes that concurrent with this application, it filed an application to discontinue the Frame Relay and ATM services provided by its CenturyTel affiliate. See *In the Matter of Section 63.71 Application of CenturyLink, Inc., f/k/a CenturyTel, Inc. for Authority Pursuant to Section 214 of the Communications Act of 1934, As Amended, To Discontinue the Provision of Service*, WC Docket No. 14-169, Section 63.71 Application (filed Aug. 26, 2014). CenturyLink explains that both of these filings are part of its ongoing initiative to retire all of its Frame Relay and ATM services. It asserts, however, that these applications were filed separately because the affiliates are subject to different regulation, with CenturyTel subject to dominant carrier regulation and Embarq subject to non-dominant carrier regulation.

² The Competition Policy Division of the Wireline Competition Bureau subsequently received the amendment on September 25, 2014.

Wide Area Network. According to CenturyLink, the billing systems of CenturyTel, Inc. and Embarq, Inc. were consolidated into one system as a result of their merger and the consolidated billing system does not track customers by their pre-merger affiliate name. CenturyLink asserts, therefore, that it currently has a total of 1000 customers purchasing both CenturyTel and Embarq FR and ATM services.

The Applicant states, however, that in 2011 it was advised by equipment manufacturer Alcatel-Lucent that the equipment used for its Embarq FR and ATM services would no longer be manufactured as of December 31, 2011 and that all support would be discontinued as of December 31, 2014. CenturyLink asserts, therefore, that it plans to grandfather and eventually discontinue its Embarq FR and ATM services in the Service Areas on December 31, 2014, or as soon thereafter as the necessary regulatory approvals can be obtained. CenturyLink submits that on or after that date, it will no longer offer these services to new customers or accept new orders from existing customers except to the extent that such orders are permitted by contract. CenturyLink clarifies that, on or after December 31, 2014, it plans to grandfather existing customers as follows: 1) existing contracts for these services will not be renewed; 2) customers with a contract that expires prior to December 31, 2014 may retain their Embarq FR and/or ATM service covered by that contract on a month-to-month basis until December 31, 2014; and 3) customers with a contract that expires after December 31, 2014 may retain their Embarq FR and/or ATM service covered by that contract until the expiration of that contract.

According to CenturyLink, customers have the option of moving to alternative CenturyLink services, such as IQ Networking Private Port Service, which uses the latest technology to create a robust VPN service. CenturyLink adds that customers also may move to alternative CenturyLink services such as IQ Public Service, Metro Ethernet or Private Line services, or may turn to numerous other providers of similar services. CenturyLink submits that it sent letters regarding the proposed discontinuance to affected customers by U.S. Mail on February 5, 2014. CenturyLink indicates that it also sent official notice of the proposed discontinuance to affected customers by U.S. mail on August 18, 2014. The Applicant asserts that it is considered non-dominant with respect to the services to be discontinued, reduced or impaired.

In accordance with section 63.71(c) of the Commission's rules, CenturyLink's application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless the Commission notifies CenturyLink that the grant will not be automatically effective. In its application, CenturyLink indicates that it plans to grandfather and eventually discontinue its Embarq FR and ATM services in the Service Areas on December 31, 2014, or as soon thereafter as the necessary regulatory approvals can be obtained. Accordingly, pursuant to section 63.71(c) and the terms of CenturyLink's application, absent further Commission action, CenturyLink may grandfather and discontinue its Embarq FR and ATM services in the Service Areas on or after **December 31, 2014**, in accordance with its filed representations. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

Comments objecting to this application must be filed with the Commission on or before **December 11, 2014**. Such comments should refer to **WC Docket No. 14-204 and Comp. Pol. File No. 1170**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number.

Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.³ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), Carmell.Weathers@fcc.gov, or Kimberly Jackson, (202) 418-7393 (voice), Kimberly.Jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

– FCC –

³ 47 C.F.R. §§ 1.1200 *et seq.*